

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 21, 2015

+ **CRL.M.C. 268/2015 & CrI.M.As.1019-21/2015**

MEHAK @ VEENA MERANI & ORS Petitioners

Through: Mr. K.N. Popli, Advocate

versus

STATE Respondent

Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State with ASI Hawa Singh

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Quashing of FIR No.60/2012 under Sections 306/34 of IPC registered at P.S. Nihal Vihar, Delhi is sought on merits.

Upon notice, learned Additional Public Prosecutor for State submits that the matter is coming up before the trial court on 5th February, 2015 for hearing on the point of charge.

Since petitioners have an alternate and efficacious remedy to seek discharge from trial court by urging the pleas taken herein at the point of charge, therefore, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C.

Such a course is being adopted in view of dictum of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, which is as under: -

"It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide Kavita v. State and B.S.Joshi v. State of Haryana). If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specifically when the applicant may not have availed of that remedy."

Applying the dictum of the Apex Court in *Padal Venkata Rama Reddy (supra)* as referred to hereinabove, this petition is disposed of with liberty to petitioners to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge and if it is so done, then trial court shall deal with the pleas raised herein by passing a speaking and reasoned order. If the trial court finds that no case is made out against petitioners, then this order will not stand in the way of trial court to discharge petitioners. Needless to say, if trial court chooses to frame charges against petitioners, then petitioners shall be at liberty to avail of the remedy as available in law, if so advised.

This petition and the application are accordingly disposed of while refraining to comment upon merits, lest it may prejudice petitioners before trial court.

(SUNIL GAUR)
JUDGE

JANUARY 21, 2015

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